IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Crl.Rev.Pet.No. 866 of 1998()

CC.961/1993 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM

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REVN. PETITIONER: COMPLAINANT

K.S.CHANDRAKUMAR
S/O.SREEDHARAN
KATTIPPARAMBATHU VEEDU
EDAPPILLY NORTH
(SECRETARY, PONEKKARA S.N.D.P. YOGAM NO.163)

BY ADV. SRI.B.GOPAKUMAR
SMT.CHINCY GOPAKUMAR

RESPONDENTS: ACCUSED AND STATE

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1. STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

2. T.C.AYYAPPANKUTTY, S/O.CHENNANKUTTY THADATHIPPARAMBIL, PONEKKARA, EDAPPILLY.

BY ADV. SRI.T.B.THANKAPPAN
SRI.V.P.RAMESAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

NO REPRESENTATION. DISMISSED FOR NON-PROSECUTION.

5.3.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R. UDAYABHANU, J.

Crl. R.P. No 866 of 1998

Dated 21st June, 2007

ORDER

Revision petitioner is the complainant in C.C.No.961/93, the private complaint filed alleging offences under sections 403, 406, 408, 418, 423, 465, 467, 468, 477-A and 511 of IPC. The trial court after examining PWs 1 to 8 dismissed the complaint on the ground that the account books were not produced and, further, authorisation enabling the complainant to file the complaint was also not produced. As contended by the counsel for the revision petitioner, I find that the order cannot be said to be a properly considered one as the testimony of PWs 1 to 8 and the documents produced i,e. Exts.P1 to P17 have not been considered in detail. All the same, I find that 13 years have elapsed since the commence mt of the proceedings. It was also submitted that in the civil suit instituted for the realisation of the amounts, the entire amounts were

deposited by the accused who is the previous secretary of the organisation.

In the circumstances, I find that the order of the court below does not call for any interference as the amount has already been deposited in the court and received by the organisation. Hence, the Crl.R.P is dismissed.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P.NO. 866 OF 1998

ORDER

21-6-2007.